

MEMORANDUM OF UNDERSTANDING

Burleigh County, a county under the laws of the State of North Dakota, 221 North 5th Street, Bismarck, North Dakota 58501 ("**County**"), the City of Bismarck, a municipal corporation under the laws of the State of North Dakota, 221 North 5th Street, Bismarck, North Dakota 58501 ("**City**"), and Burleigh County Council on Aging, Inc., a North Dakota nonprofit corporation, 315 North 20th Street, Bismarck, North Dakota 58501 ("**Senior Center**"), agree as follows:

1. **Relationship of Parties.** The Senior Center is a qualified non-profit that contracted with the County Board of Commissions regarding the manner in which funds are spent and services provided under N.D.C.C. § 11-11-58. City owns the property at 315 North 20th Street ("**Property**"), with which the Senior Center has a 99-year lease dated June 10, 1980, which is attached as Exhibit A. Any changes to the lease or if another entity is contracted by the County for senior citizen programs and activities under this portion of Century Code will be noticed in writing to all the parties involved.

2. **Insurance.** The City will procure building and boiler insurance under its normal process for the Property, which Senior Center will pay the apportioned premium in the time required for renewal. Senior Center will maintain its personal property and liability insurance with their own policy with standard terms of coverage.

3. **Binding Effect.** All covenants, agreements, warranties, and provisions of this Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, representatives, successors, and assigns. When used herein, the singular shall include the plural, the plural shall include the singular.

4. **Controlling Law.** This Agreement has been made and entered into under the laws of the State of North Dakota and said laws shall control its interpretation.

5. **Time.** Time is of the essence as to all dates and time periods set forth in this Agreement. This Agreement will continue for so long as the Senior Center is the entity providing services for Burleigh County under N.D.C.C. § 11-11-58 and the lease for the property is in force.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year written below.

COUNTY:

County of Burleigh

Dated this _____ day of _____, 2023.

ATTEST:

CITY OF BURLEIGH, NORTH DAKOTA

Leo Vetter
County Auditor

Becky Matthews, President,
Board of County Commissioners

CITY:

City of Bismarck

Dated this _____ day of _____, 2023.

ATTEST:

CITY OF BISMARCK, NORTH DAKOTA

Keith J. Hunke
City Administrator

Michael T. Schmitz, President
Board of City Commissioners

SENIOR CENTER:

Burleigh County Council on Aging, Inc.

Dated this _____ day of _____, 2023.

BURLEIGH COUNTY COUNCIL ON AGING, INC.

By _____

Its _____